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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/742,153

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Mark J. Enzmann

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GARDNER GROFF GREENWALD & VILLANUEVA, P.C.

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SUITE 800

ATLANTA, GA 30339

EXAMINER

DESIR, PIERRE LOUIS

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

08/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/742,153

Applicant(s)

ENZMANN, MARK J.

Examiner

Pierre-Louis Desir

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 05/31/2007 have been fully considered but they are not persuasive.

Applicants argue that nothing in Razavilar discloses, teaches, or suggests the feature of handoff control between networks that use dissimilar transmission elements by a network or network element. To support the above argument, Applicants state that all the currently independent claims relate to handoff control by the cellular network, network server, or media gateway, and not in the handset itself. Notably, continue applicants, all of the passages identified by the Examiner include logic in the mobile device itself.

In response, Examiner wants to first remind Applicants that broadly written claims are broadly interpreted by Examiner. It is a fact all the currently independent claims relate to handoff control by the cellular network, server, and media gateway. However, the independent claims are not specific to which network element of a cellular network relate to handoff control. As known in the art the mobile station is part of the network and as such is a network element. In addition, it is known in the art that, in addition to many definitions of a server, a server is defined as a computer program that provides services to other computer programs in the same or other computers. Razavilar discloses of a computer program, which determines whether the current network connection is a WLAN or WWAN connection, monitors for alert or disconnect condition, and determines whether or not a handoff is required. The program also communicates with a client process and can signal to a router to handoff session connection from one connection to another (i.e., WLAN-WWAN, WWAN-WLAN) (fig. 3, col. 6, line 17-col. 7, line

9). Also, as related to a media gateway, Razavilar discloses that the program can signal a router to handoff the session connection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. 12-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Razavilar et al. (Razavilar), U.S. Patent No. 7009952.

Regarding claim 12, Razavilar discloses an 802.1x network comprising: an access point (see fig. 1); and a server (see fig. 1), the server comprising logic configured to determine when a call handoff switch from the 802.1x network to a cellular network is to occur and to communicate with a media gateway to cause the call handoff switch to occur (see figs. 2-3, and col. 5, line 56 through col. 6, line 16, and col. 6, line 17-col. 7, line 9).

Regarding claim 13, Razavilar discloses a cellular network comprising: call handoff circuitry configured to determine when a call handoff switch from an 802.1x network to the cellular network is to occur and to communicate with a media gateway to cause the call handoff to occur (see col. Figs. 2-3, and col. 4, line 61 through col. 5, line 19, and col. 6, line 56 through col. 7, line 9).

Regarding claim 14, Razavilar discloses a server in communication with a media

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gateway, the server comprising logic configured to determine when a call handoff switch from a cellular network to the 802.1x network is to occur and to communicate with a media gateway that causes the media gateway to make appropriate connections to cause the call handoff switch to occur (see figs. 2-3, and col. 5, line 56 through col. 6, line 16).

Regarding claim 15, Razavilar discloses a server (see claim 14 rejection) wherein said logic determines whether or not a signal level of a signal of a signal being transmitted from the 802.1x network to a wireless device exceeds a signal level of a signal being transmitted from the cellular network to the wireless device (see figs. 2-3, and col. 5, line 56 through col. 6, line 16), said logic determining that a handoff from the 802.1x network to the cellular network should occur when the signal level of the signal being transmitted from the 802.1x network to the wireless device does not exceed the signal level of the signal being transmitted from the cellular network to the wireless device (see figs. 2-3, and col. 5, line 56 through col. 6, line 16).

Regarding claim 16, Razavilar discloses a cellular network comprising logic configured to perform a call handoff switch from the cellular network to the 802.1x network so that a call being carried on the cellular network can be switched from the cellular network to the 802.1x network (see col. Figs. 2-3, and col. 4, line 61 through col. 5, line 19, and col. 6, line 56 through col. 7, line 9).

Regarding claim 17, Razavilar discloses a call handoff switching circuit of a media gateway, the switching circuit being in communication with an 802.1x network and with a cellular network (see abstract, figs. 2-3), the switching circuit comprising: first logic configured to determine if a call handoff is to occur from an 802.1x network to a cellular network and to determine if a call handoff is to occur from a cellular network to an 802.1x network (see figs. 2-

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3, and col. 5, line 56 through col. 6, line 16); and second logic configured to switch a call connection from an address associated with the 802.1x network to an address associated with the cellular network when the first logic determines that a call handoff is to occur from the 802.1x network to the cellular network, and configured to switch a call connection from an address associated with the 802.1x network to an address associated with the cellular network when the first logic determines that a call handoff is to occur from the cellular network to the 802.1x network (see figs. 2-3, and col. 5, line 56 through col. 6, line 16).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-7799. The examiner can normally be reached on Monday-Friday 8:00AM- 5:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Pierre-Louis Desir
08/08/2007



JOSEPH FEILD
SUPERVISORY PATENT EXAMINER